



Planning Board April 11, 2006

CASE NO.

Petitioner(s)

Owner(s)

Location

Size / Scope

Location

Z-03-06

Mitchell Avenue Properties, Inc.

(same)

1027 Lincolnton Road, TM&P 013-22301

Approximately 1.02 acres, encompassing 1 parcel

Located along the south side of Lincolnton Road, next door to the RoMedical facility and across Lincolnton Road from the American Legion.

PETITIONER REQUEST

**Request to rezone approx. 1.02 acres from:
R-8 (Residential – Single-Family) district to
MED (Medical Services) district**

ZONING

Existing Zoning:

R-8 district

Single family-8 residential district (R-8). The single-family-8 residential (R-8) district is intended primarily for detached single-family dwellings and their customary accessory buildings or structures and to establish areas for a density of development relative to the lot size requirements of this district.

Proposed Zoning:

MED district

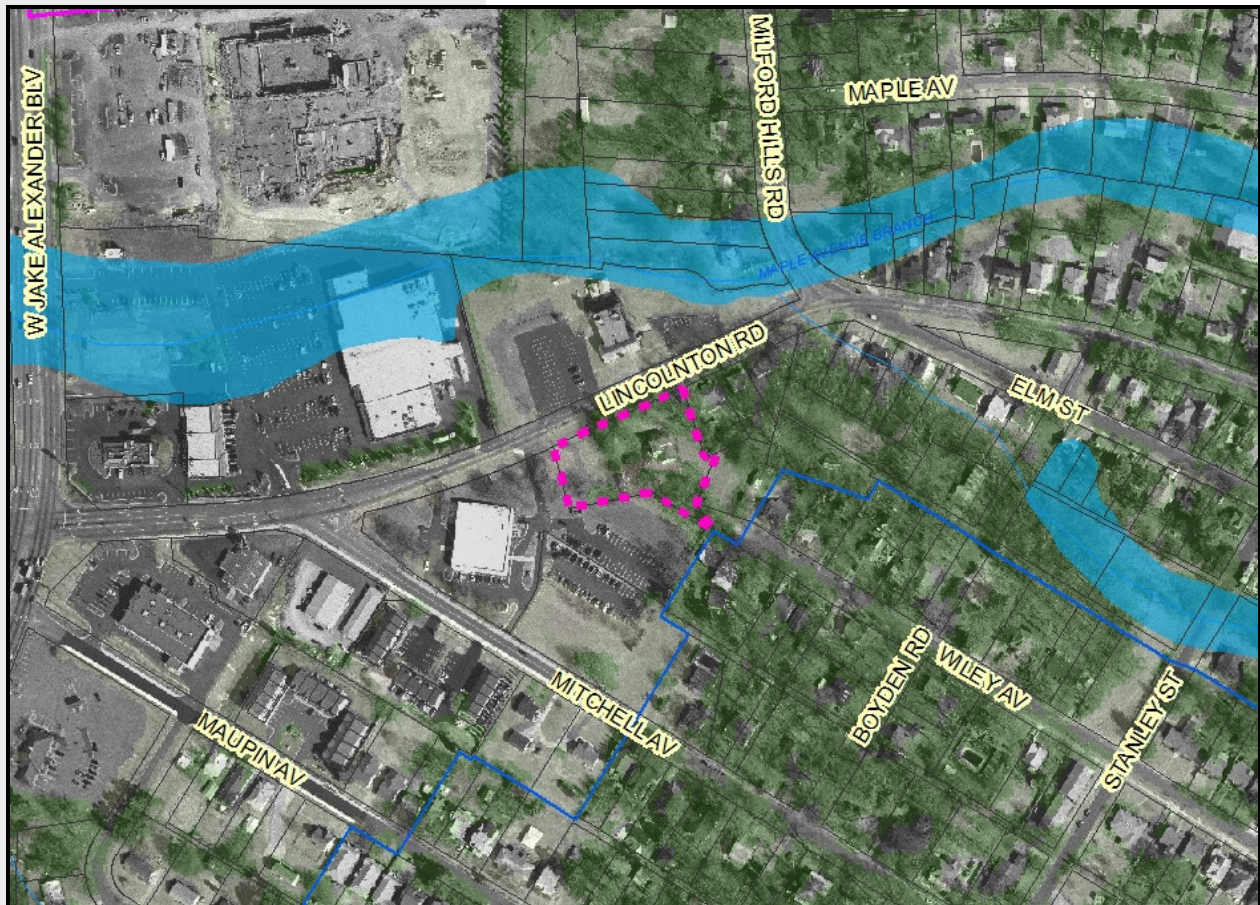
Medical Services district (MED). The medical services district (MED) is intended primarily as a mutually exclusive, non-cumulative zoning district specifically for medical-related uses, including accessory uses often associated with medical facilities, such as an automatic teller machine and parking lot. The MED district requires that the Group Development process be conducted before any development can occur.



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ADJACENT LAND USES AND ZONING

<i>Location</i>	<i>Existing Land Uses</i>	<i>Existing Zoning</i>
North of property	American Legion across Lincolnton Road	B-1
East of property	Residential	R-8
South of property	RoMedical Center	LOI
West of property	RoMedical Center and Vacant Grocery across Lincolnton Road	LOI & B-6





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PROPERTY STATUS

The property is currently vacant and undeveloped.

The site consists of a variety of larger deciduous and evergreen trees as well as some overgrown shrubs beyond the deadhead of Wiley Avenue.

There is a slight topographic rise from Lincolnton Road up into the site; however, the site is fairly level with the RoMedical facility's property.





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POLICY

SALISBURY 2000 STRATEGIC GROWTH PLAN

Economic Development

Diversity and quality are words which describe Salisbury's attitude toward economic development. Most area residents are not in favor of having growth simply for growth's sake, but would support new growth that would enhance economic opportunity and the quality of life in the area.

Policy 1.1

The city shall encourage new and expanding industries and businesses which: (1) diversify the local economy (2) utilize a more highly skilled labor force and (3) increase area residents' incomes.

Policy 1.2

The city shall protect, enhance and encourage a high quality of life, image, and cultural amenities as an effective approach to economic development.

Policy 1.3

The benefits of continued economic development shall be balanced against the possible detrimental effects such development may have on the quality of life enjoyed by area residents.

Staff Comment

The petition for a rezoning to the MED district by this particular petitioner, Mitchell Avenue Properties, indicates an expansion of an existing business. The non-cumulative nature of the MED district limits any development to a specific list of medically-related uses. Staff believes, in accordance with the Growth Plan statement above, that expansion of the existing medical business should be encouraged. This expansion will facilitate a greater geographic diversification of medical facilities in Salisbury. Typically, the development investment is greater with medical uses and they utilize a more highly skilled labor force. In addition, it is found that home values increase when in close proximity to quality medical facilities.



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However, the benefits of economic development and business expansion need to be carefully weighed in light of the adjacent historic neighborhood. Although specific uses cannot be considered as part of a general rezoning, the non-medical uses that are permitted within the MED district, when constructed alone, may not further the aforementioned objectives and are inconsistent with other sections of the Plan that call for planned clusters of office or institutional. A reply to that argument may be that the property is located along Lincolnton Road, which is clearly not one of the internal neighborhood streets; however, and as you will read later, the Planning Board in 2001 viewed Lincolnton Road as a “residential artery” in its’ decision to deny a rezoning for LOI district on this very parcel.

Office & Institutional Development

The office and institutional development category provides for offices, institutions, commercial activities not involving the sale of merchandise, and higher density residential uses. Office and institutional areas are intended to serve two major functions. The first is to provide a support function for commercial areas. The second function is to provide a transitional land use between residential uses and land uses which are more intensive. Doctor’s offices, law offices and architectural and engineering firms are typical of the office and institutional development category. Office and institutional development generates traffic which is intermediate between that generated by residential areas and commercial areas. Therefore, it is important that these areas be carefully controlled to ensure that they do not simply become extensions of nearby commercial areas.

Policy 6.1

Office and institutional development may be encouraged to locate as a transitional land use between activities of higher intensity and those of lower intensity.

Policy 6.2

Linear stripping of offices along thoroughfares shall be discouraged in favor of planned office parks or clusters of offices with common access, parking, etc.



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Staff Comment

Staff believes that this parcel is a piece of a larger 'triangle' of clustered – and planned – medical development. Although the Planning Board denied a request for LOI on this parcel in 2001, staff believes that the petitioner's request for MED district indicates a clear plan to expand an existing business and complete the medical institutional cluster. Since staff believes that this tract "finishes" the development cluster, we are further reassured by the American Legion's B-1 zoning directly across Lincolnton Road. Additionally, this cluster acts as that transitional land use between the neighborhood and the intensive B-6 zoning at Jake Alexander Boulevard and Lincolnton Road.

Housing & Residential Development

Residential development policies for the Strategic Growth Plan reflect a variety of issues and priorities for housing in the City of Salisbury. Foremost among all issues was the need to conscientiously protect existing viable neighborhoods as an important component of Salisbury's history and quality of life. Residents participating in the public involvement process for the Strategic Growth Plan felt strongly that commercial encroachment into residential areas continued to be a problem in the city.

The theme of neighborhood protection was also evident in the public's desire to minimize and prevent through traffic in existing neighborhoods and to design new subdivisions so that through traffic is discouraged. Also, new residential development should be discouraged from locating adjacent to incompatible development or in environmentally hazardous areas.

Policy 7.1

The protection and rehabilitation of viable neighborhoods shall be encouraged to ensure their continued existence as a major housing source and as a reflection of the long term quality of life in Salisbury.

Policy 7.3

Efforts to reduce through traffic in existing neighborhoods and prevent through traffic in planned residential areas shall be encouraged.



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Staff Comment

Staff unquestionably agrees that it is of the utmost importance to protect the adjacent neighborhood from incompatible land uses and inappropriate commercial intrusion. However, the most appropriate land use for this *particular* parcel is medical institutional. Staff believes that future single-family, two-family, multi-family, or even a bank on the tract is inconsistent with the immediate surrounding development and zoning pattern. Development that is not medical institutional would be incompatible with the existing and planned medical cluster.

VISION 2020 COMPREHENSIVE PLAN

The Salisbury Vision 2020 Plan takes many of the goals and objectives of the 2000 Strategic Plan and focuses and fine tunes them into more detailed policies that address older areas, newer current areas, and growth areas yet-to-be.

Neighborhood Planning Area

As used in this plan, a neighborhood planning area means a section of the city of Salisbury, usually about one half to one mile on a side, that is formed by major physical boundaries or barriers.

This plan proposes seven common sense principles for the design, development, and redevelopment of neighborhood planning areas within the city of Salisbury. Each neighborhood planning area in the city will not lend itself equally well to the application of these principles. Therefore, these principles should be applied *to the extent practical* to each of Salisbury's developed and undeveloped planning areas* over the next twenty years— and beyond.

Principle 2:

Provide for each of the daily needs of living within each neighborhood planning area.

Principle 6:

Locate major traffic generators only on the corners of the neighborhood planning area.



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Principle 7:

Locate pedestrian-oriented neighborhood services at one or more carefully selected and designed focal points central to the neighborhood.

GROWTH AREAS

This property is located within the 2000 Strategic Growth Plan's as well as the 2020 Comprehensive Plan's *Primary Growth* boundary.

WATER & SEWER

According to Salisbury-Rowan Utility Department, water and sewer are currently available to the subject site.

CODE REQUIREMENTS

Landscaping / Buffering

Development in the MED district will be required to provide a C-buffer yard with Complete Visual Separation against the R-8 district and an A-buffer yard against another MED district.

Setbacks

Front = 25 / Side = 10 / Rear = 20

Signage

<i>Sign Type</i>	<i>Maximum Size</i>	<i>Maximum Height</i>
Ground	32 sq. ft.	5 ft.
Wall	1.0 sq. ft.	N/A

HISTORY

Original Zoning

This property and most of the Fulton Heights neighborhood were originally zoned R-6, single-family and two-family residential. The remaining portions of Fulton Heights and properties across Lincolnton Road were zoned R-8, single-family, district.

Z-13-68

The American Legion property across Lincolnton Road was rezoned from R-8 to B-1, office institutional, district.



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Z-02-70

The property where the current RoMedical building sits was rezoned from R-6 to R-6A, multi-family, district. The Planning Board recommended approval and City Council adopted the ordinance on March 17, 1970.

Z-11-72

The Littleton Condominium property and the neighboring properties closer to Lincolnton Road were rezoned from R-8 to B-1 (Littleton) and B-6 (remaining commercial properties) districts. The Planning Board recommended approval and City Council adopted the ordinance on August 15, 1972.

Z-17-72

The current RoMedical property and the adjacent property along Mitchell Avenue, currently approved for a 14,000-square foot building, were rezoned from R-6 and R-6A districts to B-3, former light commercial, district. The Planning Board recommended approval and City Council adopted the ordinance on October 17, 1972. This was when Southern Bell constructed and housed the existing RoMedical building.

Z-25-78

The City conducted a citywide mass rezoning of B-3 district properties to either one of the new B-RT or B-CS districts. The Southern Bell property and the adjacent property along Mitchell Avenue were rezoned to the B-RT, business retail trade, district.

Z-20-88

The same two B-RT properties as mentioned above were rezoned from B-RT to LOI, limited office institutional, district. The Planning Board recommended approval following several committee-level meetings and City Council adopted the ordinance on December 6, 1988. The request was made by Littleton Association to further restrict the zoning for business development. Littleton made the request when they heard that Southern Bell was vacating and selling the building. Southern Bell – and by this time AT&T – filed a valid protest petition requiring a 4/5 vote by City Council. At the Planning Board committee level, committee members agreed that the B-RT district was too intensive for these parcels with their proximity to the Fulton Heights neighborhood; however, not everyone could agree on the more



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restrictive district. It was discovered during this process that Dr. Boyd Watts was thinking of purchasing the former Southern Bell building to use as a medical facility. With this knowledge, it was discussed whether a new MED district should be created to address Littletown's and the doctor's concerns and wishes. Littletown opposed the new MED district and argued for the LOI district. The committee ultimately voted 4-0 to recommend the LOI district to the entire Board.

Z-09-89

This was a request made by the Fulton Heights Neighborhood Association to rezone the entire Fulton Heights neighborhood from R-6 and R-6A districts to R-8 district in order to prevent additional duplex, multi-family, and commercial development from entering the neighborhood. The specific request was, "for the stabilization of family life and continuing property values; good quality of life and attractive appearance of our homes and surrounding environment." The Planning Board recommended approval and City Council adopted the ordinance on August 15, 1989. This was the first time the subject site had been rezoned since originally zoned R-6 district.

Z-21-98

A petition was submitted for the property located two lots eastward along Lincolnton Road from the subject site to rezone from R-8 to B-1 district. The Planning Board recommended denial and the item was withdrawn before any City Council action. There was significant neighborhood opposition at the Planning Board meeting. The Planning Board chair at the time, Mark Lewis, said that he "views Lincolnton Road as primarily a residential artery and natural boundary for the neighborhood. Rezoning [this site] would be an encroachment into an established neighborhood."

Z-11-01

A petition was submitted for this subject site, 1027 Lincolnton Road, to rezone from R-8 to LOI district. The request was made by Mitchell Avenue Properties. The Planning Board recommended denial of the request and the item was withdrawn before any City Council action. There were no other informational memos in the file as were found in the previous cases.